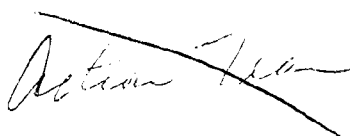


December 16, 1994

MEMORANDUM TO THE COMMITTEE OF COUNSEL

Attached is a letter Governor-elect Glendenning of Maryland has written in response to a request of the Chief Judge of the Court of Appeals that he advise the Court of his position on the Maryland OSHA smoking ban regulation. The letter adheres to Mr. Glendenning's campaign position that the regulation will be reassessed when he takes office. During oral argument before the Court on our preliminary injunction against the regulation, the Chief Judge indicated that he believed the Court should not decide the State's appeal of the injunction if the Governor-elect is likely to moot the matter by reopening the regulation, bearing in mind also that the case is scheduled for trial on the merits on March 29, 1995. The Governor-elect's letter should reinforce that view.

James A. Goold



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